

OPINION
46-66

April 23, 1946 (OPINION)

CLUBS AND LODGES

RE: Sale of Liquor

Your letter of April 19 received, in which you refer to a recent opinion given by this office as to when a lodge or club comes into existence.

You present the question whether the statute, section 5-0319 of the North Dakota Revised Code of 1943, prevents the granting of a license to a lodge or club, which at the time of the adoption of this statute did not have 200 members but now has a membership of over 200.

As I interpret the statute, any lodge or club now having 200 or more members and which was in existence on November 3, 1936, may procure a liquor license. In other words, it is my understanding of this statute that if the lodge or club has a membership of 200 or more at this time and was in existence at the time of the adoption of chapter 259 of the 1937 session laws, such lodge or club may procure a liquor license through the attorney general's licensing department.

If the lodge or club procures a local license from the municipality in which it is located and the application shows a membership at this time of over 200 members, and a date which shows that it was in existence on November 3, 1936, the attorney general's licensing department will immediately issue a state liquor license.

NELS G. JOHNSON

Attorney General